

# **INTERIM JOINT COMMITTEE ON EDUCATION**

## **Minutes of the 3rd Meeting of the 2003 Interim**

**August 4, 2003**

The 3rd meeting of the Interim Joint Committee on Education was held on Monday, August 4, 2003, at 1:00 PM, in Room 149 of the Capitol Annex. Senator Lindy Casebier, Chair, called the meeting to order, and the secretary called the roll.

Present were:

Members: Senator Lindy Casebier, Co-Chair; Representative Frank Rasche, Co-Chair; Senators Walter Blevins, Brett Guthrie, David K. Karem, Alice Kerr, Vernie McGaha, Gerald Neal, R.J. Palmer II, Jerry Rhoads, Dan Seum, Gary Tapp, and Jack Westwood; Representatives Buddy Buckingham, Mike Cherry, Jack Coleman, Hubert Collins, Jon Draud, Ted "Teddy" Edmonds, C.B. Embry Jr, Bill Farmer, Tim Feeley, Derrick Graham, Mary Harper, Mary Lou Marzian, Reginald Meeks, Harry Moberly, Russ Mobley, Tom Riner, Charles Siler, Arnold Simpson, Dottie Sims, Kathy Stein, Jim Thompson, and Charles Walton.

Guests: Robin Kinney, Kentucky Department of Education; Kathy Lousignont, Partners for Kentucky's Future; Tony Nunn, Department for Technical Education; David Prater, University of Kentucky; Mike Carr and Wayne Young, Kentucky Association of School Administrators; Clyde Caudill, Jefferson County Public School System; Robert B. Barnes, Kentucky Teachers' Retirement; Martin Cothran, Family Foundation; Phil Rogers, Education Professional Standards Board; Joyce Dotson, Kentucky Education Association; Tracy Goff Herman, Kentucky School Boards Association; Mike Ridenour, Lexington Chamber of Commerce; and Roland Haun, Kentucky Association of School Superintendents.

LRC Staff: Audrey Carr, Jonathan Lowe, Janet Stevens, Sandy Deaton, Kelley McQuerry, and Lisa Moore.

A motion was made to approve the minutes by Representative Collins and seconded by Senator Palmer. The motion was approved by voice vote.

Senator Casebier welcomed Janet Stevens, Legislative Analyst, as new staff to the Education Committee. Janet is a former teacher, program branch manager with the Kentucky Department of Education, and served as an analyst with the Office of Education and Accountability.

Senator Casebier asked the co-chairs of the subcommittees to discuss their reports. Representative Marzian said the Subcommittee on Postsecondary Education discussed college affordability and access to postsecondary education. She said this issue is of great importance in light of recent increases in tuition at Kentucky colleges and universities. Kentucky has set high goals to increase the number of students who continue formal education after high school yet the cost of college in relation to income becomes a burden and a barrier to access for many Kentucky families. She said the subcommittee heard a presentation from Dr. Joe Marks, Southern Regional Education Board (SREB). He provided the subcommittee members with regional and national data and trends regarding the affordability of postsecondary education and strategies that other states have used to address the problem. Representative Marzian said the subcommittee also heard from Mr. Thomas Layzell, President, Council for Postsecondary Education (CPE), Dr. Lee Todd, President, University of Kentucky representing the Kentucky Council of University Presidents, Mr. Ken Walker, Vice-President of Finance, Kentucky Community and Technical College System (KCTCS), and Dr. Gary Cox, President, Association of Independent Kentucky Colleges and Universities (AIKCU).

Senator Casebier said the Subcommittee on Elementary and Secondary Education heard a report on the status of the preschool program in Kentucky. Dr. Charlene McAuliffe, Assistant Superintendent, Oldham County Public Schools, described the Oldham County program. He said Ms. Starr Lewis and Ms. Annette Bridges, Department of Education, discussed the statewide program.

Senator McGaha and Representative Buckingham presented the report on the findings and recommendations from the Study of Career and Technical Education program which was required in HB 185 (2001 RS).

The purpose of the study was to determine the following: 1) Adequacy of the funding formula for locally operated area centers and vocational departments as established under provisions of KRS 157.069; 2) Funding options to provide adequate and equitable funding for secondary career and technical education programs; 3) Funding incentives to providers of career and technical education to encourage the development of new programs to address workforce needs; 4) Current processes for assessing need, planning, funding, equipping, and operating new facilities to serve students in local school districts and communities and to ensure equity for school districts and communities in the funding and support of new facilities; and 5) Options for a system of accountability in state-operated facilities.

Representative Buckingham said the Subcommittee on Vocational Education met during the 2001, 2002, and 2003 Interims. In addition to hearing testimony, the subcommittee reviewed historical information relating to career and technical education programs and the various service providers; reviewed programs, student, and personnel data from selected executive agencies; reviewed existing laws and administrative

regulations relating to programs, funding, accountability and teacher certification requirements; reviewed funding information; and visited area technology centers.

Representative Buckingham said in 2001, the General Assembly specified in statute, KRS 158.812, the purposes of career and technical education to: (1) Provide students opportunities to increase academic skills in mathematics, science, English, and communications as well as technical literacy in work-based settings; (2) Provide students a variety of opportunities to master the usage of technology; (3) Prepare individuals with specialized, transferable academic skills and technical skills for gainful employment in entry-level positions in broad-based career fields; and (4) Assist individuals in the process of preparing for successful transition from school to work, or to postsecondary education, or to the military.

Representative Buckingham said Kentucky offers secondary career and technical education in 118 middle schools, 234 comprehensive high schools and 93 area technology centers or departments. Of the 93 area technology centers and departments, there are 40 locally operated area technology centers and vocational departments. Fifty-three of the area technology centers are a part of a state-operated system, known as KY TECH, which is administered by the Department for Technical Education, Cabinet for Workforce Development. This type of state system is unique among the states.

Representative Buckingham said it is generally accepted that it is more costly to offer career and technical education programs than to offer other academic programs. The noticeable increased costs include smaller class sizes, high cost equipment and instructional apparatus, consumable instructional materials, and high cost laboratories and facilities.

In addition, Representative Buckingham said the operation of the state-operated system is more costly than in some locally operated programs as a longer work year is provided for teachers to ensure that the instructional year spans the different school calendars from the feeder schools and to provide opportunity for career and technical teachers to complete required professional training. The KY TECH system also provides for a core central office administrative group to maintain the system throughout the state and to ensure that a principal, an office assistant, and a maintenance employee are provided at each school site.

Senator McGaha reported on the following findings: 1) Career and technical education programs continue to be important program options within secondary education; 2) Funding inequities continue to exist between programs located in local school districts and the KY TECH system, although the supplemental funds provided to local school districts have been beneficial; 3) The funding formula to distribute supplemental funds to local school districts has provided a fair distribution process though the funding level is insufficient; 4) The career and technical education providers

have made progress in addressing accountability of programs and student performance but it is too soon to determine the overall impact of these efforts; (5) There has been a lack of consistent policy in the funding of vocational facilities; and (6) While some believe there is inequitable access to programs, there is no statewide inventory of programs to identify underserved areas or to identify new programs needed to serve high demand areas.

Senator McGaha said the following recommendations include both short term and long term recommendations with the recognition that the current revenue projections do not provide for a large infusion of financial resources. However, the recommendations reflect the value of career and technical education programs for secondary students in the overall educational system. The recommendations related to funding are: (1) The General Assembly should, at a minimum, maintain the current funding levels for all service providers of secondary career and technical education during the 2004-2006 biennium. As money becomes available, increases in funding for high needs, high demand technical programs should take priority; (2) The General Assembly should at a minimum maintain the current funding level for the 2004-2006 biennium of the supplemental funds provided in the biennial budget to support locally operated centers and should maintain the requirement that these funds be distributed through a formula as required under KRS 157.069; (3) The General Assembly should, beginning with the 2006-2008 biennium, increase the funding level of the supplemental funds provided in the biennial budget to support locally operated programs to provide a higher percentage of the costs of these programs; and (4) The General Assembly should request the Interim Joint Committee on Appropriations and Revenue's Budget Review Subcommittee on Education to study the fund appropriations for locally operated and the state-operated KY Tech system to determine the actual level of increased funds that would be necessary to bring funding parity between the two delivery systems and to project a methodology for providing those increases over the subsequent two biennia.

Senator McGaha reported on the following recommendations related to facilities and equipment: (1) The General Assembly and the Kentucky Board of Education should retain vocational facilities development as a part of the overall elementary/secondary facility planning process, including planning for operations and maintenance; (2) The General Assembly should appropriate funds in the 2004-2006 biennium for equipment and maintenance at least equal to the current appropriation for the Kentucky Tech system and should establish an equipment allocation to distribute to the locally operated schools, which would be a proportionately, comparable allocation.

Use of the money should be restricted to those programs that require equipment upgrades to meet the standards for equipment as defined by the Kentucky Department of Education and the Department for Technical Education in the joint comprehensive plan required under KRS 158.814. If the standard equipment lists do not reflect today's industry standards, these lists should be revised before funds are distributed.

Senator McGaha said the recommendations related to program access are: (1) The Kentucky Department of Education and the Department for Technical Education, as a part of their obligation under KRS 158.814 to develop a comprehensive plan for career and technical education by January 1, 2004 shall immediately start a process to identify the geographic areas, including specific schools, where students lack access to high-needs, high demand occupational programs, and to prioritize where new programming should be considered when funds become available; (2) The Kentucky Department of

Education and the Department for Technical Education should study how distance learning may be used to enhance student access to secondary career and technical education programs. One component of the study should be to determine how the Virtual High School could be used to provide career and technical education courses; another, should investigate the practicality of teaching high-cost laboratory courses through technology simulations. The study should include recommendations to be provided the Interim Joint Committee on Education by July 31, 2004; (3) Efforts should be continued to enable students to participate in dual credit and dual enrollment courses. The Council on Postsecondary Education, with cooperation of all the governing boards of Kentucky's public postsecondary education institutions should investigate during the 2004 calendar year whether dual credit courses and transfer of courses are actually enabling students to have time-shortened programs before earning a postsecondary credential; and whether current policies enable students to transfer credits easily among public institutions in Kentucky and to use them in meeting required degree components. The Council on Postsecondary Education shall confer with the Department of Education and the Department for Technical Education during this study; and (4) The Kentucky Board of Education and the Council on Postsecondary Education through the state P-16 Council should study the current graduation requirements and develop guidelines to help local school districts provide opportunities for students to concentrate on a career and technical education program. The study should determine if requirements, such as foreign language, should be moved when possible to the elementary or middle school program to make time for career and technical education programs. The agencies should continue to consider the comparability and desirability of selected career and technical substituting for specific content requirements towards graduation and when appropriate the Kentucky Board of Education should extend approval. They shall confer with the Department of Education and the Department for Technical Education during this study.

Senator McGaha said the recommendations related to assessment and accountability include: (1) The Kentucky Department of Education and the Department for Technical Education should continue to conduct curriculum and program assessments of technical education programs and assist with the development of program improvement plans. These agencies should report to the Interim Joint Committee on Education by July 30, 2004 whether or not the assessment process is providing any return on the investment of time and resources and if there is evidence of upgraded programming, improved instruction and student performance; (2) The Department of Education and Department of Technical Education should continue to develop programs built around industry standards and skills certifications whenever appropriate. The departments should annually review the passage rates of students in attaining skills certificates or passage rates on licensure examinations that may be available to secondary students. Pass rates should be reviewed as one indicator of program quality; and (3) Local boards of education, the Department of Technical Education, and the Kentucky Department of Education should review disaggregated CATS data, NAEP data, and any other available test data to gauge the performance levels of career and technical education

students. Deficiencies should be noted and teachers should be assisted to revise instructional strategies and practices to improve student performance.

Senator McGaha said one recommendation was placed in the other category and this included that the subcommittee recommends that further study be conducted by the Interim Joint Committee on Education or a subcommittee relating to the delivery system of secondary career and technical education, including administration and structure and report to the Legislative Research Commission by August 31, 2004.

Representative Buckingham thanked the Department of Education and the Cabinet for Workforce Development for their cooperation during this study.

Senator McGaha made the motion to adopt the report which was seconded by Senator Tapp. The motion was approved by voice vote.

Senator Casebier said a panel would be presenting “Understanding Student Testing Programs in Kentucky: Where We Started in 1989 and Where We Are in 2003.” Senator Casebier yielded to Representative Rasche who chairs the House Committee on Education to introduce this topic and the panel for this presentation.

Representative Rasche said this agenda item is being presented as an information item to help all members understand the progress being made in the schools throughout Kentucky and to understand the basis of why Kentucky is doing what its doing in its assessment and accountability system. He said the only current House Education members in the General Assembly in 1990 were Senator Williams, Senator Karem, Senator Neal, Senator Seum, Senator Casebier, Senator Blevins, Representative Moberly, Representative Riner, and Representative Siler.

Representative Rasche said Senator Karem has been asked to describe the foundational work that took place as a co-chair of the 1989 Curriculum Committee prior to the adoption of House Bill 940 in 1990. He was also asked to describe the changes that resulted from a review of the reform as chair of the Assessment and Accountability Issues Group in 1986-1987.

Representative Rasche said the second member of the panel is Dr. Roy Truby who served as one of the original consultants to the Curriculum Committee in 1989 and is a former State School Superintendent for Idaho and West Virginia. Dr. Truby also served as the Executive Director of the National Assessment Governing Board (NAGB), from 1989 to 2002.

Representative Rasche said the third member of the panel is Ms. Helen Mountjoy, Chair, Kentucky Board of Education. She will complete the testimony and fill in the gaps with what Kentucky has done and modifications that have been made since the

initial assessment program was implemented and particularly compliance with the federal program No Child Left Behind Act (NCLB).

Representative Rasche said Commissioner Wilhoit, Kentucky Department of Education, rounds out the panel to answer any questions that the members may have.

Senator Karem said Kentucky was the only state to attempt a complete reform of its education system. He urged all members to read the *Rose V. Council for Better Education, Inc.* decision. He said at the time, the Supreme Court ruling declared the entire system of common schools unconstitutional. The ruling stated that it was the sole responsibility of the Kentucky General Assembly to provide a sufficient system of common schools.

Senator Karem said the court specified that there had to be seven capacities of a new system which include providing students with: 1) Sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization; 2) Sufficient knowledge of economic, social, and political systems to enable the students to make informed choices; 3) Sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state and nation; 4) Sufficient self-knowledge and knowledge of his or her mental and physical wellness; 5) Sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage; 6) Sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and 7) Sufficient levels of academic or vocational skills to enable public school students to compete favorably with counterparts in surrounding states, in academics or in the job market.

Senator Karem said as a result of this Supreme Court ruling, the General Assembly entered into deliberations to fulfill its constitutional mandate. There were visits made throughout communities in the state, national advice was sought, educational consultants were hired, and input solicited from educators, parents, business and industry, and citizen groups. He said the Curriculum Committee he co-chaired along with Representative Jody Richards began their work in 1989 and a set of principles were adopted to serve as the skeletal structure for whatever reform was to come out of the General Assembly.

Senator Karem said the committee adopted several principles, which included: 1) All students can learn and nearly all at high levels; 2) Teachers should know how to successfully teach all students; 3) Curriculum content must be challenging and meet the needs of all children; 4) The system was to be a performance-based system so that schools were not just meeting the requirements, but were more focused on student performance; 5) School performance results in appropriate consequences; 6) School-based staff shall have a major role in shaping instructional strategies; 7) School staff must



have the capacity to make good instructional decisions; and 8) Non-essential regulations must be reduced significantly.

Senator Karem said the committee thought that learning begins early and does not end with high school. He said there was a need to provide for a measure of independent assessment, and most of the instruction would teach to the test, i.e., core content. Senator Karem said much of the language in the Kentucky Education Reform Act (KERA) was derived from the 1989 Curriculum Committee.

Senator Karem said some changes were made in 1998, which included revising the program of studies to indicate common content organized by course and grade considering the primary as a whole. Public input was included in the revision process as well as a national reference test to provide a national comparison for individual students. He said testing times were revised and testing requirements were redistributed among grade levels. A combination of a mixture of open-response questions, multiple choice items, and portfolios was used. He said greater emphasis was placed on core academic content. He said reporting of valid and reliable scores for individual students was required. Test scores were returned as soon as possible so they could be used for diagnostic purposes.

Senator Karem said the non-academic measures on the accountability index was a very important issue to some members of the legislature. He said the non-academic measures included attendance, retention, dropout rates, and transition to adult life. Senator Karem is thankful there has been an improvement in the last three years in relation to Kentucky's dropout rates.

Senator Karem said in 2000 and 2002 additional changes were made to require the data be disaggregated by subpopulations to give schools the tools necessary to analyze how they can change instruction to benefit all students.

Senator Karem closed by saying prior to KERA, there were too many students who were not challenged, too many students who fell through the cracks of the system, and too many students who were forced out of school. He said there were also too many schools that were not successful with all students.

Dr. Roy Truby, Visiting Scholar, University of Idaho, said he first came before the Kentucky Education Committee in 1989 and feels Kentucky has accomplished great things since that time. He said KERA was developed about 18 years before the NCLB, but the basic principles are very similar. They are: 1) Freedom and flexibility in return for results; 2) Prevention is better than remediation; 3) Accountability for all students; 4) Stop funding failure where failure persists, and 5) Provide the public with more information.

Dr. Truby said that while NCLB has some problems, the states should keep the basic principles in mind: 1) All children can learn at much higher levels; and 2) The learning gaps are far too large for the people of Kentucky to accept.

Dr. Truby said Kentucky has about 13 years of high-stakes testing and a system in place that promotes a broad curriculum with high standards for all students. He said one study called *Quality Counts* rated Kentucky's education system 3<sup>rd</sup> overall in accountability and assessment behind New York and Florida.

Dr. Truby said setting clear standards defines a system of accountability. It can be based around three questions: 1) What is it that we expect children to know and be able to do; 2) How do we know when the students have reached these standards; and 3) How do we develop a fair accountability system focused on accountability at all levels? Dr. Truby said the "we" in these questions should not be the text book publishers and the testing companies. He said Kentucky has looked at the National Assessment of Education Progress (NAEP) content standards. NAEP is the only nationally representative and continuing assessment of what America's students know and can do in various subject areas. He said the State Board of Education has mandated that Kentucky students reach the proficient level.

Dr. Truby said continued political support will be key to maintaining the educational reforms in Kentucky. He said continued support and the support of the business community will be absolutely critical. Dr. Truby also said there may need to be additional adjustments to the system, and those in charge should be open to changes so long as the changes are based on the goal of increased student achievement.

Dr. Truby suggested Kentucky consider high stakes for students in the accountability system. He said the state of Florida has high stakes for students and Kentucky has high stakes for schools, and maybe Kentucky needs both. Dr. Truby said more data is needed for students at the 12<sup>th</sup> grade. The 12<sup>th</sup> grade is a key transition point to higher education, the world of work, or military services and active citizenship.

Ms. Mountjoy said Kentucky realized 25 years ago that assessment and accountability can be powerful tools to enhance student learning and to enhance the power of teachers. She said there have been mistakes and systems that have been abandoned and resuscitated, but over this period of time the focus has been on the commitment to utilize assessment and accountability as a powerful tool to help ensure that students are ready for the future.

Ms. Mountjoy said Kentucky first mandated testing statewide by action of the legislature in 1978. She said norm-referencing testing was used for awhile before we passed House Bill 940. Ms. Mountjoy said the changes in the last 25 years and the progress that the students have made help her to realize three things: 1) The leadership of

the General Assembly for implementing statewide testing; 2) The continuing commitment of the business community and the general public for Kentucky to have meaningful measures of student performance; and 3) The willingness of educators and policymakers at every level to make the changes that are necessary while maintaining a focus on strategies that promote enhanced teaching and learning.

Ms. Mountjoy said before House Bill 940 was passed, Kentucky showed itself to be above average based on the results of the norm-referenced test. If we compared our student scores to NAEP however, Kentucky students were not even approaching national averages. She said by the mid 1980's, Kentucky ranked 48<sup>th</sup> in student achievement. She said there was much room for improvement in instruction and how student performance is measured.

Ms. Mountjoy said House Bill 940 said schools would develop student abilities to do six things: 1) Use basic communication and math skills for purposes and situations in life; 2) Develop students' abilities to apply core concepts; 3) Ensure that students become self-reliant; 4) Ensure that students become responsible members of groups; 5) Ensure that students can think and solve problems both in school situations and in situations they will encounter throughout their lives, and 6) Help students to connect and integrate experiences and new knowledge with subject matter they have previously learned, and to build on this to create and understand new knowledge. Ms. Mountjoy emphasized these are complicated, high level skills for students to learn. She said a low level, basic test could not measure these skills so the legislature asked the state board to devise, with the assistance of experts a test that was primarily performance-based. This means that students have to create a response using their own knowledge and demonstrate their understanding in writing. The Kentucky Instructional Results Information System (KIRIS) test was comprised of open response items in seven subjects and was administered to students at 4<sup>th</sup>, 8<sup>th</sup>, and 12<sup>th</sup> grades. Ms. Mountjoy said as the years passed, there were growing concerns arriving across the state about KIRIS. She said three separate studies were highly critical of the technical aspects of the KIRIS assessment and accountability system. Ms. Mountjoy said Representative Moberly and Senator Karem co-chaired a taskforce in assessment and accountability and the recommendations derived from this taskforce were used to frame House Bill 53 which the General Assembly passed in 1998.

Ms. Mountjoy said subpopulations of students in every part of the state are scoring higher today on the Commonwealth Accountability Testing System (CATS) test than ever before. She said Kentucky is beginning to see some movement with the subpopulations and closing the achievement gaps, although there is a long way to go. Ms. Mountjoy said the provisions of Senate Bill 168 (2002 RS) and the provisions of the NCLB will both be very help to Kentucky in closing the achievement gap. She said Kentucky is above the national average at every grade on the Comprehensive Test of Basic Skills (CTBS) test.

Ms. Mountjoy said the dropout rate in Kentucky has lowered. She said males still drop out more frequently than females, African-American students drop out more than Whites, and Hispanic students drop out more frequently than African-American students. She said these are issues the state must continue to work on.

Ms. Mountjoy said a peer review recently came into Kentucky in connection with its work with the NCLB and there were three members of the United States Department of Education and three members from other states. They commended Kentucky for its use of multiple measures, for inclusion of all students, for placing an emphasis on the broad curriculum, and having a well defined reliability for Kentucky's system.

Ms. Mountjoy said Kentucky has been working on leaving no child behind for 13 years. She said Kentucky is concentrating more heavily on closing achievement gaps, and schools are expected to reach the high standard of proficiency by 2014. Ms. Mountjoy said there are some significant differences between the NCLB and CATS. They are: 1) The NCLB does not provide a test, but says each state is required to administer a test which is tied to its own standards for student learning which is exactly what CATS does; 2) The NCLB is based on reading and math only while Kentucky's curriculum includes writing, science, social studies, arts and humanities, practical living, and vocational studies; 3) The NCLB requires the testing of reading and math in each grade 3-8 and at least once at the high school level. Kentucky is adding the necessary assessment in the grades where they were missing; 4) The NCLB calls for one statewide goal for students at the elementary, middle, and high school levels leading to proficiency by 2014. She said in Kentucky there is an individual goal for each school also leading to proficiency by 2014; 5) The NCLB requires breaking out scores for subpopulations that include students who have limited English proficiency; disabled; part of an ethnic or racial minority; and who are poor; and each of these subpopulations are required to reach the same goal of proficiency; and 6) The NCLB excludes from school accountability any student who has not been in that school for a full, academic year. In Kentucky, this could exclude more than 50 percent of some schools' student population for the accountability system for the NCLB because Kentucky students move around so frequently.

Ms. Mountjoy said in addition to the challenges of NCLB, Kentucky is still looking to make future changes. She said the annual testing requirements in reading and math hold a promise of finally giving Kentucky the platform to establish a technically sound longitudinal comparison of the assessment results for the same students which is what House Bill 53 calls for and which has proved elusive to Kentucky in the past. She said there are also continuing discussions about ensuring student ownership of the scores which they derive on the test, and about whether there needs to be an end of public schooling assessment that students can take that schools can be held accountable for.

Ms. Mountjoy said broad-based testing and accountability which is based on students demonstrating what they know and are able to do, is vitally important. It is important to the individual students and to the success of the Commonwealth of Kentucky. She said assessment and accountability is important because it can fulfill the bargain that was made in 1990 when taxpayers said they would give schools more money, but wanted it demonstrated that schools were making progress in student achievement. Ms. Mountjoy said it is important because it can measure the effectiveness of strategies that Kentucky's tax dollars pay for. It is important because it can give individual direction at every school on changes that need to be made.

Commissioner Wilhoit said he gets numerous opportunities to visit schools around Kentucky and talk with folks outside of public education. He can assure the members that students in Kentucky today are receiving a far superior education than they were in the 1970's and the 1980's. This can be objectively measured on a number of indicators. He said Kentucky is holding people in education accountable for the learning of children.

Commissioner Wilhoit said student accountability is something to look at, but he does not want Kentucky to make the same mistakes as other states in setting performance levels so low that it becomes meaningless, or putting in place an accountability system that is so high that nobody graduates from high school. He said Kentucky can do a better job in assessing and turning around the results in the system than it has in the past.

Commissioner Wilhoit said Kentucky will have to re-norm the testing assessments in the next year or so in order to align with the NCLB. He thinks the biggest challenge is helping people implement the legislative mandates that were made in good faith. He said too many schools have not implemented the changes in a correct manner. Commissioner Wilhoit said the Department of Education will continually inform the members of what they feel the best course of actions are for their deliberation.

Representative Sims asked how schools teach to the test. She said some other states do teach by the test and other states do not and wondered what the differences mean to students. Commissioner Wilhoit said the Department of Education has been very specific to educators explaining what students should know and be able to do in each content area. He said these standards are what the teachers should be teaching to. He said the testing forms with rotating items would be impossible to teach to over time. It is not impossible, however, to teach to a set of knowledge and skills that Kentucky expects its students to master.

Dr. Truby said teaching to the test becomes more problematic if the school system offers a fairly narrow curriculum and a narrow test. He said it is virtually impossible to teach to NAEP because the test and curriculum is very broad. He said teaching to the actual test questions would be a breach of security, however core content areas need to be taught that are inevitably going to be on the test.

Ms. Mountjoy said there is a system of ethics that surround test administration. She said each teacher signs a document each year that they have read and reviewed and understand that they can not teach individual test items to their students. Ms. Mountjoy said there are sanctions that can be taken against the school or individuals teachers if they breach those ethical standards.

Representative Farmer said Dr. Truby mentioned there were problems with the reliability of Kentucky's test and asked in what manner it was unreliable. Dr. Truby said with the additions in House Bill 53 in 1998, changes were made in the test to make it much more reliable. He said more multiple choice questions were utilized, and he said these are much more reliable than open-ended response tests.

Ms. Mountjoy said in 1998 at the legislature's direction and hired by the Legislation Research Commission, a team of six testing experts worked with the State Board of Education and the Department of Education primarily to ensure the kind of reliability and validity needed. She said there is also a requirement in legislation that there be on-going reliability and validity studies that are conducted by third party experts in examining to ensure that Kentucky is meeting the rigorous standards that testing experts expect for a test that has stakes for teachers and other educators. She said indications from the National Technical Advisory Panel are that the Kentucky test is valid and reliable. Dr. Truby said a laymen's way of seeing if the test is reliable is just watching if the test scores jump around too much. He said NAEP scores are fairly stable, but he would question if scores were jumping up and down on a yearly basis. He said Kentucky is one of the few states that has shown steady increases in reading.

Commissioner Wilhoit said consistency of results is reviewed internally and the consistency of those results are compared to other measures to see if there are trendlines or issues that arise, and performance is analyzed each year to constantly monitor the system to see if it is performing as it should.

Senator Neal said NCLB focuses solely on reading and math. He said Senate Bill 168 has a much broader curriculum and asked Commissioner Wilhoit if schools would be required to achieve in all curriculum content areas or just reading and math. Commissioner Wilhoit said schools would have to meet benchmarks in all subject areas in order to be in compliance. Senator Neal asked what enforcement mechanism the state would use to get a school in compliance that is moving forward in only a few areas. Commissioner Wilhoit said the beauty in Senate Bill 168 was that it forced all the schools to look at their information and performance goals for improvement during the next cycle. He said there are two reports that would be disturbing and need to be corrected. He said one would be that schools concentrate on one subpopulation only and ignore the others, the other would be that the school's remedy to the solution would be to not look as comprehensively as they should at the whole curriculum.

Commissioner Wilhoit said the dialogue in the state has changed since Senate Bill 168. He said there is much greater attention and focus on subpopulations and some schools are getting it right while others will struggle for awhile, but the focus has turned to individual children.

Senator Neal said he is not concerned about the schools who do not exactly get it right when they have good intentions because it is a new process, his concern lies with the schools that purposely ignore the intent of Senate Bill 168. He said some schools just need to get used to a mind-set shift and wondered if the state should not set some concrete consequences for those schools who do not comply. Commissioner Wilhoit said it is a little early for him to tell but results should be coming in this next cycle and it will show if there has been much change in subpopulation achievement in the various schools. He said he could give a more detailed response to Senator Neal at that time, but his feeling is that schools are taking this issue very seriously.

Representative Feeley asked Dr. Truby if there was an evolution towards individual stakes for students, especially in the junior and senior years in high school. Dr. Truby said if high stakes and individual tests were incorporated for students, Kentucky could probably do away with the norm-referencing test while keeping the CATS test for the broad curriculum and school data. He also said that Kentucky is having so much success right now it may be time to think about high stakes for students. He said the states that incorporated high stakes for students prior to holding the schools accountable is where the problems arose. Ms. Mountjoy said she does not see this issue as an either/or, but if individual students were held accountable for scores it would be an added dimension to what Kentucky already has in place. She feels schools should ultimately be held responsible to the students they serve. Ms. Mountjoy said other states that have incorporated high stakes for students have seen a flurry of lawsuits alleging that the students never had the opportunity to learn the material upon which they are tested because there was no incumbent responsibility upon the school as there was upon the student. Commissioner Wilhoit said there is some concern that high school students who have already been accepted to a certain college or university are not exhibiting all that they know, and there have been some recommendations that Kentucky factor into the Kentucky Education Excellence Scholarship (KEES) money some measure of our state assessment as a part of the weight or factor.

Representative Graham asked if there are any states across the country that are assessing high school students in a way that is valid and successful and not being contested in the court systems. Commissioner Wilhoit said New York has done a good job of an exit exam for students who were planning to go to college and then five years ago required it for all students. He said they have been fairly successful in holding on to the higher standard and holding the total student population accountable for those results. Commissioner Wilhoit said having said that, there have been some issues of the validity

of the last performance round and there are challenges in their court system right now. He said he does not know of any other state that has successfully moved in that direction, but it is something Kentucky is looking at pretty closely. He said there are also less high stakes options being tried by other states that are reporting to have some success.

Dr. Truby said Kentucky has done well with teacher retraining and teaching within their subject matter. Ms. Mountjoy said in the *Quality Counts* report, Kentucky ranked second on improving teacher quality.

Ms. Mountjoy introduced Hilma Prather who is the new chair of the Assessment and Accountability Committee.

Representative Rasche welcomed Ms. Willie Lile, Secretary, Cabinet for Workforce Development; and Mr. Tom Lazell, President, CPE, for a brief summary relating to Executive Order #2003-600 relating to the reorganization of the Department for Adult Education and Literacy (DAEL). Mr. Lazell said policy and budget responsibilities were transferred to the Council on Postsecondary Education with the passage of Senate Bill 1 and this transfer from the Governor moves the remainder of the DAEL to the CPE. Representative Rasche asked if there were questions from the members and there were none.

Representative Rasche welcomed Dr. Kim Townley, former Executive Director of the Governor's Office of Early Childhood Development, and current Director of the Division of Early Childhood Development in the Department of Education; and Ms. Robin Kinney, Associate Commissioner, Office of Internal Administration and Support for a brief summary of Executive Order #2003-712 relating to the reorganization of the Governor's Office of Early Childhood Development. Dr. Townley said in 2000 the legislature passed an initiative called "Kids Now" which has been highly successful and is bearing fruit for the young children of the state. She said this organization should now take its rightful place in state government through a move to the Department of Education to further the collaboration to make sure that all children meet their potential. Representative Rasche asked if there were questions from the members and there were none.

Representative Rasche invited the staff from the Educational Professional Standards Board (EPSB) to explain their administrative regulations which are 16 KAR 2:020, 16 KAR 2:190, 16 KAR 5:010, 16 KAR 6:020 and 16 KAR 8:040. Ms. Brenda Allen, General Counsel, EPSB, said several of the administrative regulations deal with the information technology area with testing, a new probationary certificate for information technology teachers, ranks for occupation-based career and technical education teachers, and standards for accreditation of educator preparation units to align with the national standards. Representative Rasche said it is basically carving out a new



certification and putting in place all the components to certify the people. There were no questions.

Representative Rasche asked Beau Barnes, General Counsel, Kentucky Teachers' Retirement System (KTRS) to explain twelve administrative regulations. Mr. Barnes said they are largely housekeeping matters to update some old regulations with no financial costs. He said the first three administrative regulations, which are 102 KAR 1:030, 102 KAR 1:036 and 102 KAR 1:038 deal with the ability of teachers to purchase part-time service; 102 KAR 1:057 gives credit for military service; 102 KAR 1:070 is about applications for retirement; 102 KAR 1:100 removes some language that appears to be in conflict with statute for insurance; 102 KAR 1:110 has a statutory citation correction; 102 KAR 1:121 repeals a 102 KAR 1:122 retirement account which is no longer being offered; 102 KAR 1:150 gets into more detail about the optional retirement benefits that are currently being offered by the retirement system; 102 KAR 1:165 explains surviving children's benefits; 102 KAR 1:185 gives more direction regarding members with reciprocity accounts in both teachers' retirement and the public employees retirement system; and 102 KAR 1:290 allows the retirement system to require less frequent than annual examinations for members who are under disability retirement. There were no questions.

Representative Rasche said the next meeting date will be changed to Monday, September 8, 2003, due the Labor Day Holiday.

The meeting adjourned at 3:40 p.m.